LAW SECRETARIAT.

Reviews the Report on the Administration of Criminal Justice in the State for the year 1927-28.

READ—

The Report on the Administration of Criminal Justice in the State for the year 1927-28, received from the Registrar, Chief Court, with his letter No. P. 39—27-28, dated 2nd November 1928.

ORDER NO. P. 4243-51—CTS. 98-28-2, DATED 6TH FEBRUARY 1929.

Recorded.

2. *Offences Reported.*—There was a slight fall in the number of offences reported, from 18,449 in the previous year to 18,393 in the year under review; the number of cases returned as true on the other hand increased from 17,327 to 18,119. Including 7,192 persons awaiting trial at the close of the previous year, the total number of persons brought to trial was 37,289 against 35,209 in the previous year. The cases against 79 per cent of them or 29,344 persons were disposed of resulting in the conviction of 8,395 persons and the discharge or acquittal of 20,283 persons, the percentage of convictions and discharges or acquittals being the same as in the previous year, *viz.*, 28 and 69. There was some improvement in the matter of awarding short terms of imprisonment, the number of persons sentenced to such imprisonment having been 662 against 729 in the previous year. It is satisfactory to note that the provisions of Section 562 Criminal Procedure Code are more largely applied than in the past and that the number of persons dealt with under that section rose from 40 in 1925-26 to 82 in the following year and 158 in the year under review. The cases against 7,945 persons were pending at the end of the year.

3. *Average Duration.*—While there was a slight reduction on the whole in the average duration of cases, *viz.*, 44·6 days against 47·4 days in the previous year, the tendency in the opposite direction in the Magistrates' Courts in the Bangalore Division where there was a rise from 32·9 days in 1925-26 to 47·1 in 1926-27 and to 53·9 in 1927-28 calls for notice. The attention of the District Magistrates concerned is invited to this for needful action.

In the Bench Courts, the average duration was 38·5 days against 45·1 days in the previous year, and it is satisfactory to note that the Bench Courts in the Bangalore Division showed substantial improvement by bringing down the average duration to 29·5 days from 44·8 days in the previous year.

4. *Witnesses.*—The number of witnesses that appeared before Magistrates was 64,302 and the number actually examined was 43,947 or 68 per cent against 82 per cent in the previous year. This tendency apparently to summon persons as witnesses unnecessarily should be discouraged by Courts.

5. *Heinous Offences.*—Except the offences of theft, giving false evidence and grievous hurt which increased from 1,136, 24 and 130 in 1926-27 to 1,336, 28 and 479 respectively in the year under review, the number of heinous offences on the whole was less than in the previous year and it is noteworthy that there was a perceptible decrease in the number of cases of rape, robbery, dacoity and culpable homicide, the figures being 1, 24, 1 and 7 respectively against 6, 48, 4 and 19 in the previous year.

6. *Sessions Work.*—Including 7 cases pending from the previous year, there were for disposal 120 Sessions cases during the year under review against 130 cases in 1926-27 and the number pending at the end of the year was 14 cases, the increase in the pendency being due mainly to the number of disposals in the Mysore Division having been 13 cases less than in the previous year. In point of duration of Sessions Cases, the Shimoga Division was behind hand with an average of 52·6 days against the general average of 36·4 days for the year and compares unfavourably even with its own average of 45·5 days in the previous year. There was also a fall in the number of witnesses examined, *viz.*, 1,094 against 1,376 in 1926-27 and the number of witnesses detained for over 3 days was 211.

7. *Trial by Jury.*—The number of cases tried by Jury was 21 against 22 in 1926-27 and the Judges agreed with the verdict of the Jury wholly in 18 cases and the remaining 3 cases were referred to the Chief Court under Section 307, Criminal Procedure Code.

8. *Preventive Jurisdiction.*—One hundred and fifty-nine persons against 83 in 1926-27 were ordered to give security during the year.

9. *Appellate Work.*—The appeals of 589 persons were before Sessions Judges who disposed of the appeals of 412 persons against 331 in the year previous and 310 in 1925-26. The average duration was 33·3 days against 48·1 days in 1926-27, this improvement being contributed mainly by the Sessions Court, Bangalore, substantially reducing the average duration of the appeals before it from 49·8 days in 1926-27 to 23·6 days in the year under review. The Magistrates had before them the appeals of 596 persons and disposed of those of 540, against 659 persons in the previous year and there was a slight increase in the average duration also. It is hoped that the Magistrates will dispose of their appellate work more expeditiously in future.

10. *Chief Court Work.*—Owing to the withdrawal from 1st December 1927 of the appellate jurisdiction which had been conferred on the Chief Court to hear and decide all such appeals as are allowed by law to the Court of Sessions in the Bangalore Division, the number of appeals filed in the Chief Court during the year decreased from 131 in the year 1926-27 to 93 in the year under review. Out of these 9 appeals were transferred to the Sessions Judge, Bangalore Division, and including 27 appeals pending from the previous year, there were for disposal 111 appeals against 119 in the previous year. The number disposed of was 92 as in the previous year, and the increase in the average duration to 77·27 days against 51·75 days in the previous year is explained to be due to the disposal of all the old appeals of the year 1926-27.

11. *Work of the Special Magistrates under the Separation Scheme.*—Including the cases pending from the previous year, the stipendiary Magistrates had 9,918 cases for disposal, out of which they disposed of 8,099 cases (or 82 per cent) leaving 1,819 cases pending. The disposals were below the normal by about 3 per cent. Out of 288 cases pending for over 6 months, 125 were in the Bangalore District. The Magistrates in this District should be directed to dispose of these old cases as early as possible and the District Magistrate should exercise greater scrutiny over their work.

12. *Bench Courts.*—The Bench Courts had 8,671 cases for disposal of which they disposed of 7,239 cases, or 83 per cent. It is a matter for regret that these Courts in general have left the impression that they are not working satisfactorily and have not inspired confidence in the public. One of these courts had to be abolished recently and a stipendiary Magistrate directed to hold his court instead at the place for a few days every month. It is proposed to introduce this arrangement throughout the State as far as practicable.

13. *Inspection.*—The Chief Judge inspected the Courts of the District Magistrates and First Class Magistrates in the Bangalore, Kolar, Tumkur and Hassan Districts. Mr. Justice D. K. Rama Rao inspected the District Magistrate's Court, Mysore, and the 3 First Class Magistrates' Courts in the District, while Mr. Justice G. Sreenivasa Iyer inspected the District Magistrates' Courts and the First Class Magistrates' Courts in Shimoga and Chitaldrug Districts. Mr. Justice M. Ramachandra Rao inspected the District Magistrate's and First Class Magistrate's Courts at Chikmagalur. The District Magistrates of Bangalore, Tumkur, Hassan, Shimoga and Kadur inspected all the Courts in their respective Districts and the District Magistrates of Kolar, Mysore and Chitaldrug inspected all the Courts except certain Bench Courts in their Districts.

P. MAHADEVAYYA,
Secretary to Government,
Law Department.

Designation of Magistrates' Courts.

READ—

Letter No. 505—28-29, dated 21st December 1928, from the Registrar, Chief Court, stating that in order to avoid possible confusion the Judges propose that at places where there are two Special Magistrates' Courts, the Court of the Magistrate permanently exercising First Class powers may be designated as the First Magistrate's Court and the other Court as the Second Magistrate's Court.